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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
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ART UNIT	PAPER NUMBER
1652	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	10/670,135	XU ET AL.	
	Examiner	Art Unit	
	William W. Moore	1656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on *05 May 2005* under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☒ entered in part. See explanation below.

The proposed amendments to claims 9 and 10, while superfluous, are acceptable, and are ENTERED..

The proposed amendments to claims 8, 78 and 80 are DISAPPROVED for the following reasons:
The allowed claim 8 to a method for producing a particular granzyme B, the non-immune cell or"NIC" form of granzyme B, and the allowed claims 78 and 80 to vectors that support such expression, require particular regulatory nucleotide sequence elements that are present in SEQ ID NO:1. The requested amendments to claims 8, 78, and 80, however, add a nucleotide sequence region of SEQ ID NO:1 that is disclosed, see SEQ ID NO:2, to encode the initial twenty amino acids of the "NIC" form of granzyme B set forth in SEQ ID NO:3. Including the additional coding region nucleotide sequence would therefore be improper where the claims require, see claims 7, 77 and 79 from which the improperly amended claims 8, 78 and 80 depend, "regulatory elements necessary to express GrB-NIC polypeptide in a eukaryotic host cell". Instead, the proposed amendment improperly adds to the nucleotide sequence of the allowed claims a sequence element disclosed to be required for the expression of a different form of granzyme B, the form expressed in cells of the immune defense system. Note the different positions of initiation codons for the two different forms of Granzyme B in Figure 1. The extension of the regulatory region from position 1031 to position 1092 of SEQ ID NO:1 in claims 8, 78 and 80 is therefore proposed in error.

NASHAAT T. NASHED PHD.
PRIMARY EXAMINER